



David B. Cohen  
Mayor

# CITY OF NEWTON, MASSACHUSETTS

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## ZONING BOARD OF APPEALS

Sherri Boivin, Board Secretary

### NOTICE OF DECISION

**A Public Hearing has been held with regard to the following petitions before the City of Newton Zoning Board of Appeals. The decisions were determined as follows:**

- #5-05** from David P. Franco, 757 Chestnut Street, Newton, appealing the decision of the Commissioner of Inspectional Services that the size of the replacement trees are in direct violation of Special Permit #18-91(4) conditions #8 and #12c because they do not provide effective screening. The property is located in a Single Residence 2 District. **The petitioner's appeal of the decision of the Commissioner of Inspectional Services was denied 4-1.**
- #6-05** from Sandra Wood, Executrix of the Estate of Donato Delicata, 352 Nevada Street, Newton, requesting a 1,375 square foot variance from the lot area per unit requirements of the Newton Revised Zoning Ordinances, Section 30-15, Table One in order to construct a two family house, resulting in a lot area per unit of 4,312.50 square feet. **(Required lot area per unit for new lots created after December 7, 1953 is 5,000 square feet.)** The property is located in a Multi Residence 1 District. **The petitioner's request for a variance from the lot area per unit was denied, 3-2.**
- #7-05** from Kathryn M. Rubin, 215 Waban Avenue, Newton, appealing the decision of the Commissioner of Inspectional Services that the side yard fence is not in compliance with Section 20-40(f)(1), the fence ordinance. The property is located in a Single Residence 2 District. **The petitioner's appeal of the decision of the Commissioner of Inspectional Services was denied, 5-0.**
- #8-05** from David and Debra Schwartz, 363 Brookline Street, Newton, requesting a 10.8 foot variance from the side yard setback requirements of the Newton Revised Zoning Ordinances, Section 30-15, Table One to add a third bay to their two car garage, resulting in a side yard setback of 9.2 feet. **(Required side yard setback for new lots created after December 7, 1953 is 20 feet.)** The property is located in a Single Residence 1 District. **The petitioner's request for a variance from the side yard setback requirements was denied, 5-0.**

**Any appeal of the above decisions must be made to the Superior Court within twenty (20) days of its filing with the City Clerk in accordance with Section 17 of the Massachusetts General Law, Chapter 40A.**

**Decision numbers 5-05, 7-05, 8-05 were filed on May 23, 2005 and decision number 6-05 was filed on May 31, 2005.**